September 8, 2020

Objection Reviewing Officer
USDA Forest Service, Northern Region
26 Fort Missoula Road
Missoula, MT 59804

Objection submitted electronically via: https://cara.ecosystem-management.org/Public//CommentInput?Project=50185,

OBJECTION – Custer Gallatin Revised Forest Plan and Final Environmental Impact Statement

Dear Objection Reviewing Officer,

Pursuant to 36 CFR 219 Subpart B, and by means of this letter the parties listed below object to the revised Land Management Plan for the
Objection Reviewing Officer
USDA Forest Service, Northern Region
26 Fort Missoula Road
Missoula, MT 59804

Objection submitted electronically via: https://cara.ecosystem-management.org/Public/CommentInput?project=44589,

OBJECTION – Custer Gallatin Revised Forest Plan and Final Environmental Impact Statement

Dear Objection Reviewing Officer,

Pursuant to 36 CFR 219 Subpart B, and by means of this letter the parties listed below object to the revised Land Management Plan for the Custer Gallatin National Forest (Revised Plan) and corresponding Final Environmental Impact Statement (FEIS). The responsible official is Custer Gallatin National Forest Supervisor Mary Erickson.

The arguments in support of our objection and exhibits are submitted herein. Reference materials used in our arguments were given to the Forest Service in our earlier comments.
The 2020 Land Management Plan (Final Plan) was available as of July 9, 2020. This step initiated the 60-day objection period. Objections will close on 9/8/2020; therefore, this objection is timely.

References when identifying prior comments (objection requirement to tie objections to issues identified in previous comments):

- 2019 DEIS Comment (Alliance for the Wild Rockies, Native Ecosystems Council, and Montana Ecosystems Defense Council)

Objectors

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And for

Sara Johnson
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And for

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OBJECTIONS

1. **Sustainable minimum road system**

The DEIS doesn't consider an alternative that recommends as wilderness all of the inventoried roadless areas and the the unroaded areas adjacent to inventoried roadless areas as in violation of NEPA. We wrote in out comments asking that the Forest Service please consider an alternative that would recommend as wilderness all roadless areas and the adjoining un-inventoried roadless areas as recommended wilderness.

The Ninth Circuit Court of Appeals has ruled repeatedly that the Forest Service must analyze the environmental

consequences, including irreversible and irretrievable commitment of resources on roadless area attributes, and the effects of potential designation as wilderness under the Wilderness Act of 1964 on a project on lands contiguous to roadless areas. This analysis must consider the effects to the entire roadless expanse -- that is both the roadless area and the unroaded lands contiguous to the roadless area. All of the Roadless areas in the Custer Gallatin National Forest would be designated as Wilderness under the Northern Rockies Ecosystem Protection Act or (NREPA). Currently, 16 Senators are sponsoring NREPA in the Senate (S. 827) and 44 Representatives are sponsoring NREPA in the House (H.R. 1321).

The Forest Service response was not adequate

Suggested Resolution:
Write a supplemental EIS and include an alternative that includes all lands that would be designated wilderness in the Northern Rockies Ecosystem Protect be designated as Wilderness Study Areas.

We wrote in our objection:

The Custer Gallatin National Forest must consult with the Fish and Wildlife Service forest wide on and the impact of the proposed revised forest plan on lynx, lynx critical habitat, grizzly bears and wolverines.

The Forest Service has not done so.

The revised forest plan is in violation of NEPA, NFMA, the APA and the EIS.

Remedy: Write a supplemental EIS and consult with the FWS on the impact of the revised Forest Plan on lynx, lynx critical habitat, grizzly bears and wolverines.

We wrote in our June 6, 2019 comments:
"The Custer Gallatin National Forest has not yet accepted that the effects of climate risk represent a significant issue, and eminent loss of forest resilience already, and a significant and growing risk into the foreseeable future.

It is now time to speak honestly about unrealistic expectations relating to desired future condition. Forest managers have failed to disclose that at least five common tree species, including aspens and four conifers, are at great risk unless atmospheric greenhouse gases and associated temperatures can be contained at today's levels of concentration in the atmosphere."

The Forest Service response was not adequate.

The revised Forest Plan is in violation of NEPA, NFMA, the APA and the EIS. The FEIS does not analyze or disclose the body of science that implicates logging activities as a contributor to reduced carbon stocks in forests and increases in greenhouse gas emissions.

The Remedy is to write a supplement EIS and analyze the affects of climate change on the Custer Gallatin National Forest. Forest managers must analyze and disclose the fact that the Custer Gallatin National Forest can no longer "insure that timber will be harvested from the National Forest system lands only where…there is assurance that such lands can be restocked within five years of harvest. If the Forest Service can not ensure that lands can be restocked within fiver years of logging these lands should not be logged. PLEASE TAKE A HARD LOOK AT HOW CLIMATE CHANGE AFFECTS AND IS AFFECTED BY THE

REVISED FOREST PLAN.
We wrote in our comments:
"Please disclose the efficacy of the proposed activities at reducing wildfire risk and severity in the CGNF in the future, including a two-year, five-year, ten-year, and 20-year projection authorized under the Revised Forest Plan."

The Forest Service response was not adequate.
This is a violation of NEPA, NFMA, the APA and the ESA.

In our comments we wrote: ***Please see the attached paper by Dr. William Baker titled:***

"Are High-Severity Fires Burning at Much Higher Rates Recently than Historically in Dry-Forest Landscapes of the Western USA?"

Dr. Baker writes: "Programs to generally reduce fire severity in dry forests are not supported and have significant adverse ecological impacts, including reducing habitat for native species dependent on early-successional burned patches and decreasing landscape heterogeneity that confers resilience to climatic change."

Dr. Baker concluded: "Dry forests were historically renewed, and will continue to be renewed, by sudden,

dramatic, high-intensity fires after centuries of stability and lower-intensity fires."

The Revised Forest Plan calls for addressing fuel accumulation and continuity in the CGNF. More specifically, the goal of the Revised Forest Plan is to:

•Diminish the future risk of high-intensity, high-severity wildfire within the CGNF by interrupting the continuity of fuels, specifically continuous stands of lodgepole pine regeneration and heavy loadings of larger fuels;

•Recreate a diverse landscape that is more resilient to fire by retaining mature areas, disrupting dense areas, and enhancing or re-creating grassland openings; and

Reduce the future risk of high-intensity, high-severity wildfire within the CGNF by interrupting the continuity of fuels, specifically continuous stands of lodgepole pine regeneration and heavy loadings of larger fuels:

Fire is an essential ecosystem component on the Rocky Mountain Ranger District. The DEIS and the Revised Forest Plan do not reflect the best available science. Please explain why.

The Remedy is to write a supplemental EIS that analyzes the efficacy of the proposed activities at reducing wildfire risk and severity in the CGNF in the future, including a two-year, five-year, ten-year, and 20-year projection authorized under the Revised Forest Plan.

Weeds

We wrote in our comments:

Please address the ecological, social and ascetic impact of current noxious weed infestations in the CGNF. Include an analysis of the impact of the actions proposed by this project on the long and short term spread of current and new noxious weed infestations. What treatment methods will be used to address growing noxious weed problems? What noxious weeds are currently and historically found within the CGNF?

The Forest Service response was not adequate:

The Forest has done nothing to stop the continued spread of weeds on the CGNF due to their management activities in violation of NFMA, NEPA, the APA and the ESA.

The Remedy is to write a supplemental EIS that addresses the impact of noxious weeds on the forest and the impact of the management activates on the spread of noxious weeds.

The scientific and managerial consensus is that prevention is the most effective way to manage noxious weeds. The Forest Service concedes that preventing the introduction of weeds into uninfested areas is "the most critical component of a weed management program." The Forest Service's national management strategy for noxious weeds also recommends "develop[ing] and implement[ing] forest plan standards . . . ." and recognizes that the cheapest and most effective solution is prevention. Please

discuss areas in the CGNF that do not have weed populations within their boundaries or what minimum standards are in the CGNF revised Forest Plan to address noxious weed infestations. The few that are there do not appear adequate based on the current weed infestation in the CGNF.

Please include an alternative in the that includes land management standards that will prevent new weed infestations by addressing the causes of weed infestation. The failure to include preventive standards would violate NFMA because the Forest Service is not ensuring the protection of soils and native plant communities. Additionally, the omission of an alternative that includes preventive measures would violate NEPA because the Forest Service failed to consider a reasonable alternative."

We wrote in our comments:

Disclose the current level of old growth forest in each third order drainage in the CGNF;

Disclose the method used to quantify old growth forest acreages and its rate of error based upon field review of its predictions;

Disclose the historic levels of mature and old growth forest in the CGNF;

Disclose the level of mature and old growth forest necessary to sustain viable populations of dependent wildlife species in the CGNF;

Disclose the amount of mature and old growth forest that will remain after implementation of the Revised Forest Plan in 5 year intervals for the expected life of the Revised Forest Plan;

Disclose the amount of current habitat for old growth and mature forest dependent species in the CGNF;

Disclose the amount of habitat for old growth and mature forest dependent species that will remain after the revised Forest Plan is implementated and 15 years after it is implemented and for the life of the revised Forest Plan;

Disclose the method used to model old growth and mature forest dependent wildlife habitat acreages and its rate of error based upon field review of its predictions;

Disclose and address the effect regarding the failure to monitor population trends of MIS, the failure to compile data to establish a reliable inventory of sensitive species on the Forest;

The Forest Service response was not adequate in violation of NEPA, NFMA, the APA and the ESA.

The Remedy is to write a supplemental EIS for the revised Custer Gallatin Forest Plan that discloses the amount of current and historical old growth and includes a strict monitoring program to monitor population trends of old growth dependent species.

We wrote in our comments:

Please complete the Endangered Species Act Section 7 consultation requirements for grizzly bears, wolverines, and lynx.

The best available science for grizzly bears can be found in the finding of the attached paper by Mace and Manley (1993, P: 25-26) regarding averaging road densities across broad landscapes: "Techniques for calculating road

densities that average over large blocks of land(e.g. a BMA), inclusive of both high and low elevations, result in inadequate assessments of grizzly bear response to road

densities . . . For example, our entire analysis area has an average open road density of 0.63 mi/mi2 and meets current road density standards. Our precise ["moving window" GIS] open road density technique produces the same average open road density. However, from our method we know that 26% of the analysis area (70 mi2 of habitat) exceeds the 1.0mi/mi2 standard. When all roads are included in calculations for ouranalysis area, the average total road density is 1.13 mi/mi2 with 22% (58 mi2) of the area having >2 mi/mi2. This 58 mi2 of habitat was used less than expected by radio-instrumented bears . . .Apparently, grizzly bears adjust their habitat use patterns in part to both precise open road densities and precise total

road densities. Unless a road has completely revegetated, managers should assume that some level of human use is occurring along closed roads, and grizzly bears will respond to that use . . . The preponderance of adult females in the population suggests that survival of individual bears is directly related to their selection for unroaded areas. To date, the data suggest that if unroaded habitats are reduced in quantity and size, the number of adult females will eventually decline."We remind the Forest that theInteragency Grizzly Bear Task Force (1998) recommended that the percentages of OMRD, TMRD, and Core be evaluated using a "Moving Windows" analysis method – not linear miles, not averaged miles, and definitely not 1.9 miles/ sq.mi. Rather than "research shopping" for weaker standards in a foreign country, the

Forest Service must use the NCDE specific standards of

Amendment 19 (The best available science) including TMRD and motorized trails.

The Forest Service did not respond adequately.

AWR is objecting to this project on the grounds that the revised Forest Plan would not be fully in accordance with the laws governing management of the national forests such as Clean Water Act, the ESA, NEPA, NFMA, and the APA, and will result in additional degradation in already degraded watersheds and mountain slopes, further upsetting the wildlife habitat, ecosystem and human communities.

We recently sent a FOIA request to the Forest Service for records of road closure violations between in the last 5 years in the Beartooth Ranger district. In response, the Forest Service disclosed over 100 reported road closure violations in the Little Belts in that 5-year time-frame. It is fair to assume that there are many more violations that regularly occur and are notwitnessed and reported. It is also fair to assume that you have made no effort to request this available information from your own law enforcement officers, much less incorporate it into your analysis. Considering your own admissions that road density is the prima-

ry factor that degrades elk andgrizzly habitat, this is a material and significant omission from your analysis– all of your ORD and HE calculations are wrong without this information.

Moreover, in light of the fact that you are exempting projec from ForestPlan hiding cover standards designed to protect and conserve elk habitat, the only protection left for elk habitat would be the Forest Plan open road density limits and mandates to maintain existing HE. This makes your failure to analyze road closure violations in the Forest Plan even more egregious. Chronic, illegal road use is reasonably foreseeable and must be addressed in the cumulative effects analysis for both the Project and the Forest Plan amendment.

Additionally, your emphasis on elk populations across entire hunting districts is disingenuous and has little relevance to whether you are meeting your Forest Plan obligations to maintain sufficient elk habitat onNational Forest lands. As you note, the Forest Plan estimated that 70% of elk were taken on National Forest lands in 1986. What percentage of elk are currently taken on National Forest lands? You refuse to disclose thisinformation. Have you asked Montana FWP for this information? Anyhonest biologist would admit that high elk population numbers do not indicate that you are appropriately managing Na-

tional Forest elk habitat; to the contrary, high elk numbers indicate that you are so poorly managing elk habitat on National Forest lands that elk are being displaced to private lands where hunting is limited or prohibited. Your own Forest Service guidance document, Christensen et al 1993 states: "Reducing habitat effectiveness should never be considered as a means of controlling elk populations."

The recurring problem of road closure failures undermines the foundation of the Forest Plan's wildlife security standards, which relies on these road closures to achieve certain densities of open and total roads both inside and outside the Recovery Zone. The agencies must address this problem and its impacts in an updated ESA consultation for the Forest Plan and this project.

Roads pose a threat to big game and grizzly bears because roads provide humans with access into big game and grizzly bear habitat, which leads to direct bear mortality from accidental shootings and intentional poachings. Big game flee onto private lands during hunting season. Human access also leads to indirect bear mortality by creating circumstances in which bears become habituated to human food and are later killed by wildlife managers. Human access also results in indirect mortality by displacing grizzly bears from good habitat into areas that provide sub-optimal habitat conditions.

Displacement may have long term effects: “Females who have learned to avoid roads may also teach their cubs to avoid roads. In this way, learned avoidance behavior can persist for several generations of bears before they again utilize habitat associated with closed roads.” Both open and closed roads displace grizzly bears: grizzlies avoided roaded areas even where existing roads were officially closed to public use.

Females with cubs remained primarily in high, rocky, marginal habitat far from roads. Avoidance behavior by bears of illegal vehicular traffic, foot traffic, and/or authorized use behind road closures may account for the lack of use of areas near roads by female grizzly bears in this area. This research demonstrated that a significant portion of the habitat in the study area apparently remained unused by female grizzlies for several years. Since adult females are the most important segment of the population, this lack of use of both open-roaded and closed-roaded areas is significant to the population.

In addition to having a significant impact on female grizzly bears, displacement may also negatively impact the survival rates of grizzly cubs: “survivorship of the offspring of females that lived in unroaded, high elevation habitat was lower than that recorded in other study areas in the [Northern Continental Divide Ecosystem]. The majority of this mortality was due to natural factors related to the dangers of living in steep, rocky habitats. This is important in that the effects of road avoidance may result not only in higher mortality along roads and in avoidance of and lack of use of the resources along roads, but in the sur-

vival of young when their mothers are forced to live in less favorable areas away from roads.

The Forest Service did not respond to these comments other than to write in response to Native Ecosystems and the Alliance's comments.

Please clarify what percent of roads that projects call to be closed will actually be closed. What percentage of roads that are called for to be closed will not be closed because you still waiting for funds to close or obliterate those roads? This distinction matters because you cannot honestly claim that you are meeting road density standards promised by the Beartooth Travel Plan EIS and Decision (2008) if you have not yet completed the road closures/obliterations promised by the Travel Plan. Furthermore, as noted above, you have a major problem with recurring, chronic violations of the road closures created by the Travel Plan, which means that your assumptions in the Travel Plan that all closures would be effective has proven false. For this reason, you cannot tier to the analysis in the Travel Plan because it is invalid. You must either complete new NEPA analysis for the Travel Plan on this issue or provide that new analysis in the NEPA analysis for this Project. Either way, you must update your open road density calculations to include all roads receiving illegal use.

Remedy. Write a supplemental EIS that includes all roads receiving illegal use as open and have enough secure habitat to ensure an adequate amount of secure habitat for elk and grizzly bears.

Christensen et al (1993) states: “Any motorized vehicle use on roads will reduce habitat effectiveness. Recognize and deal with all forms of motorized vehicles and all uses, including administrative use.” Please disclose this to the public and stop representing that roads closed to the public should not be included in habitat effectiveness calculations. The facts that (a) you are constructing or reconstructing over 13 miles of road for this project, (b) you have problems with recurring illegal use, and (c) you already admit that you found another 25 road closure violations in the last 10 years in the project area that you cannot stop, means that your conclusion that this Project will have no effect on open road density or habitat effectiveness is implausible to the point of being disingenuous. You cannot exclude these roads simply because you say they are closed to the public. Every road receiving motorized use must be included in the HE calculation. You must consider all of this road use in order to take a hard look that is fully and fairly informed regarding habitat effectiveness. In thevery least you must add in all “non-system” roads, i.e. ille-

gal roads, as well as recurring illegal road use (violations) in your ORD calculations.